

SOLICITOR

TO:

Commissioner of Patents and Trademarks
Washington, D.C. 20231

MAR 15 1995

REPORT ON THE
FILING OR DETERMINATION OF AN
ACTION REGARDING A PATENT OR
TRADEMARK

In Compliance with 35 § 290 and 37 CFR 1.54, you are hereby advised that a court action has been
 filed in the U.S. District Court _____ on the following ☒ Patents or ☐ Trademarks:

DOCKET NO. 2:95cv242	DATE FILED 3/9/95	U.S. DISTRICT COURT, EASTERN DISTRICT OF VIRGINIA 600 Granby St., Norfolk, VA 23510
PLAINTIFF Personalized Mass Media Corp.		DEFENDANT The Weather Channel, Inc., et al (See attached copy of complaint for list of defendants)
PATENT OR TRADEMARK NO.	DATE OF PATENT OR TRADEMARK	HOLDER OF PATENT OR TRADEMARK
1 See attached copy of complaint (without exhibits)		
2 4965825		
3 5109414		
4 5335211		
5		

In the above-entitled case, the following patent(s) have been included:

DATE INCLUDED	INCLUDED BY <input type="checkbox"/> Amendment <input type="checkbox"/> Answer <input type="checkbox"/> Cross Bill <input type="checkbox"/> Other Pleading			
PATENT OR TRADEMARK NO.	DATE OF PATENT OR TRADEMARK	HOLDER OF PATENT OR TRADEMARK		
1				
2				
3				
4				
5				

In the above-entitled case, the following decision has been rendered or judgment issued:

DECISION/JUDGMENT

CLERK DORIS R. CASEY, Clerk	(BY) DEPUTY CLERK <i>May S. Wood</i>	DATE 3-10-95
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Copy 1—Upon initiation of action, mail this copy to Commissioner Copy 3—Upon termination of action, mail this copy to Commissioner
 Copy 2—Upon filing document adding patent(s), mail this copy to Commissioner Copy 4—Case file copy

ADELPHIA COMMUNICATIONS CORP.,)
Defendants.)
_____)

COMPLAINT FOR PATENT
INFRINGEMENT AND DEMAND FOR JURY TRIAL

Plaintiff, Personalized Mass Media Corp. hereby complains and alleges as follows:

NATURE OF THE ACTION

1. This is a civil action for patent infringement arising under the patent laws of the United States, and more specifically, under Title 35 United States Code, Sections 271, 281, 283, 184, and 285.

THE PARTIES

2. Plaintiff, Personalized Mass Media Corp. ("PMMC"), is a Delaware Corporation with a principal place of business at 110 East 42nd Street, Suite 1704, New York, New York 10017.

3. Defendant, The Weather Channel, Inc. ("TWC"), is a corporation organized under the laws of the state of Georgia with a principal place of business at 2600 Cumberland Parkway, Atlanta, GA 30339.

4. Defendant, Landmark Communications, Inc. ("Landmark"), is a corporation organized under the laws of the state of Virginia with a principal place of business at 150 W. Brambleton Avenue, Norfolk, VA 23510. Upon information and belief, defendant TWC is a wholly owned subsidiary of defendant Landmark.

5. Defendant, TCI Of Virginia, Inc., is a corporation organized under the laws of the state of Virginia with a principal place of business at 1828 South Military Highway, Box 2186, Chesapeake, VA 23320.

6. Defendant, Hampton Roads Cablevision Company, is a limited partnership organized under the laws of the state of Virginia with a principal place of

business at 179 Louise Street, Newport News, VA 23601, also doing business as Newport News Cablevision.

7. Defendant, Continental Cablevision Of Richmond, is a corporation organized under the laws of the state of Virginia with a principal place of business at 918 North Boulevard, Richmond, VA 2320-4687.

8. Defendant, Continental Cablevision Of James City County, Inc., is a corporation organized under the laws of the state of Virginia with a principal place of business at 112 New Quarter Drive, Drawer G, Williamsburg, Va 23187.

9. Defendant, Continental Cable Of York County, Inc., is a corporation organized under the laws of the state of Virginia with a principal place of business at Box 1926, Yorktown, VA 23692.

10. Defendant, Continental Cablevision, Inc., is a corporation organized under the laws of the state of Delaware with a regular and established place of business at 3914 Wistar Road, Richmond, VA 23228.

11. Defendant, Media General Cable Of Fairfax, Inc., is a corporation organized under the laws of the state of Virginia with a principal place of business at 14650 Old Lee Road, Chantilly, VA 22021.

12. Defendant, Cablevision of Fredericksburg, Inc., is a corporation organized under the laws of the state of Virginia with a principal place of business at Box 117, 1310 Belman Road, Fredericksburg, VA 22404.

13. Defendant, Chesterfield Cablevision, is a corporation organized under the laws of the state of Virginia with a principal place of business at 6510 Iron Bridge Road, Richmond, VA 23234.

14. Defendant, SBC Media Ventures, Inc. is a corporation organized under the laws of the state of Delaware with a principal place of business at 2707 Wilson Boulevard, Arlington, VA 22201, also doing business as Cable TV Arlington.

15. Defendant, Jones Intercable of Alexandria, Inc., is a corporation organized under the laws of Colorado with a principal place of business at 617A S. Pickett Street, Alexandria, VA 22304.

16. Defendant, Falcon Holding Group, is a corporation organized under the laws of the state of California with a regular and established place of business at 216 Moore Avenue, Suffolk, VA 23434, also doing business as Falcon Cable Media.

17. Defendant, Adelpia Communications Corp., is a corporation organized under the laws of the state of Delaware with a regular and established of business at Box 710, 1711 Seymour Avenue, South Boston, VA 23219, also doing business as Adelpia Cable Communications.

JURISDICTION AND VENUE

18. Jurisdiction in this Court is founded upon 28 U.S.C. § 1338(a).

19. Each defendant is subject to personal jurisdiction in this judicial district under Va. Code Ann. § 8.01-328.1 (Supp. 1990) because each defendant has transacted business in this district, contracted to supply services or things in this district, and/or caused tortious injury in this district.

20. Venue against each defendant is proper in this district pursuant to 28 U.S.C. § 1391(c) and § 1400(b) because each defendant, upon information and belief, has committed acts of infringement or induced the commission of acts of infringement within the Eastern District of Virginia and resides in the Eastern District of Virginia.

PLAINTIFF'S PATENT RIGHTS

21. PMMC is the assignee of U.S. Patent No. 4,965,825 ('825 patent), entitled "Signal Processing Apparatus and Methods." The '825 patent was duly and properly issued on October 23, 1990 by the United States Patent & Trademark Office and is now, and has been at all times since its date of issue, valid and enforceable. A copy of the '825 patent is attached as Exhibit A.

22. PMMC is the assignee of U.S. Patent No. 5,109,414 ('414 patent), entitled "Signal Processing Apparatus and Methods." The '414 patent was duly and properly

issued on April 28, 1992 by the United States Patent & Trademark Office and is now, and has been at all times since its date of issue, valid and enforceable. A copy of the '414 patent is attached as Exhibit B.

23. PMMC is the assignee of U.S. Patent No. 5,335,277 ('277 patent), entitled "Signal Processing Apparatus and Methods." The '277 patent was duly and properly issued on August 2, 1994 by the United States Patent & Trademark Office and is now, and has been at all times since its date of issue, valid and enforceable. A copy of the '277 patent is attached as Exhibit C. The '825 patent, the '414 patent and the '277 patent are collectively referred to as "the PMMC patents."

INFRINGING ACTIVITIES OF THE DEFENDANTS

24. Defendant, TWC, provides programming to cable operators that includes weather forecast information, control signals and other information. Each cable operator transmits the received TWC programming to its cable subscribers.

25. Defendant, TWC, makes, uses, sells and/or leases a receiver for use at cable operators or cable headends known as the Weather Star 4000. The Weather Star 4000 infringes the PMMC patents.

26. By providing the TWC programming, information and control signals and by making, using and selling the infringing Weather Star 4000 receivers, defendant, TWC, has infringed and has induced others to infringe each of the PMMC patents.

27. Defendant, TWC, is a wholly owned subsidiary of defendant, Landmark, and is controlled by Landmark. TWC's Chairman is John O'Wynne, who is also Landmark's President and Chief Executive Officer. Jane O. Pruitt, listed as Landmark's Secretary, is also listed as TWC's Secretary. Landmark's General Counsel is Louis F. Ryan, who is also Vice President and Secretary of TWC. TWC does not have its own General Counsel and relies on Landmark for its legal representation. Upon information and belief, TWC does not have its own Board of Directors, and Landmark's Board of Directors acts as the Board of TWC.

28. Because defendant, Landmark, controls its wholly owned subsidiary defendant, TWC, Landmark directs the infringing activities of TWC. As a result, defendant, Landmark, has infringed and has induced defendant, TWC, and others to infringe the PMMC patents through Landmark's control over TWC's infringing activities.

29. Defendant, TCI of Virginia, Inc., is a cable operator that uses the infringing Weather Star 4000 receivers and other ancillary equipment to receive the TWC programming and control signals via satellite from defendant, TWC, and cooperates with TWC to selectively output the TWC programming and other information to cable subscribers.

30. Defendant, Hampton Roads Cablevision Company, is a cable operator that uses the infringing Weather Star 4000 receivers and other ancillary equipment to receive the TWC programming and control signals via satellite from defendant, TWC, and cooperates with TWC to selectively output the TWC programming and other information to cable subscribers.

31. Defendant, Continental Cablevision of Richmond, is a cable operator that uses the infringing Weather Star 4000 receivers and other ancillary equipment to receive the TWC programming and control signals via satellite from defendant, TWC, and cooperates with TWC to selectively output the TWC programming and other information to cable subscribers.

32. Defendant, Continental Cablevision of James City County, Inc. is a cable operator that uses the infringing Weather Star 4000 receivers and other ancillary equipment to receive the TWC programming and control signals via satellite from defendant, TWC, and cooperates with TWC to selectively output the TWC programming and other information to cable subscribers.

33. Defendant, Continental Cablevision of York County, Inc., is a cable operator that uses the infringing Weather Star 4000 receivers and other ancillary equipment to receive the TWC programming and control signals via satellite from

defendant, TWC, and cooperates with TWC to selectively output the TWC programming and other information to cable subscribers.

34. Defendant, Continental Cablevision, Inc., is a cable operator that the infringing Weather Star 4000 receivers and other ancillary equipment to receive the TWC programming and control signals via satellite from defendant, TWC, and cooperates with TWC to selectively output the TWC programming and other information to cable subscribers.

35. Defendant, Media General Cable of Fairfax, Inc., is a cable operator that uses the infringing Weather Star 4000 receivers and other ancillary equipment to receive the TWC programming and control signals via satellite from defendant, TWC, and cooperates with TWC to selectively output the TWC programming and other information to cable subscribers.

36. Defendant, Cablevision of Fredericksburg, Inc., is a cable operator that uses the infringing Weather Star 4000 receivers and other ancillary equipment to receive the TWC programming and control signals via satellite from defendant, TWC, and cooperates with TWC to selectively output the TWC programming and other information to cable subscribers.

37. Defendant, Chesterfield Cablevision, is a cable operator that uses the infringing Weather Star 4000 receivers and other ancillary equipment to receive the TWC programming and control signals via satellite from defendant, TWC, and cooperates with TWC to selectively output the TWC programming and other information to cable subscribers.

38. Defendant, SBC Media Ventures, Inc., is a cable operator that uses the infringing Weather Star 4000 receivers and other ancillary equipment to receive the TWC programming and control signals via satellite from defendant, TWC, and cooperates with TWC to selectively output the TWC programming and other information to cable subscribers.

39. Defendant, Jones Intercable of Alexandria, Inc., is a cable operator that uses the infringing Weather Star 4000 receivers and other ancillary equipment to receive the TWC programming and control signals via satellite from defendant, TWC, and cooperates with TWC to selectively output the TWC programming and other information to cable subscribers.

40. Defendant, Falcon Holding Group, is a cable operator that uses the infringing Weather Star 4000 receivers and other ancillary equipment to receive the TWC programming and control signals via satellite from defendant, TWC, and cooperates with TWC to selectively output the TWC programming and other information to cable subscribers.

41. Defendant, Adelphia Communications Corp., is a cable operator that uses the infringing Weather Star 4000 receivers and other ancillary equipment to receive the TWC programming and control signals via satellite from defendant, TWC, and cooperates with TWC to selectively output the TWC programming and other information to cable subscribers.

42. The amount of money damages that PMMC has suffered due to the defendants' acts of infringement cannot be determined without an accounting and is thus subject to proof at trial.

WHEREFORE, Plaintiff PMMC prays:

- (a) For a judgment holding each defendant liable for infringement of each PMMC patent;
- (b) For a judgment holding defendants, TWC and Landmark, each liable for inducement of infringement of each PMMC patent;
- (c) For a preliminary and permanent injunction enjoining each defendant, its subsidiaries, officers, agents, servants, employees, and attorneys, and all other persons

in active concert or participation with each from further infringement or inducement of infringement of the PMMC patents;

(d) For an award to PMMC of its damages due to each defendant's infringement of each of the PMMC patents;

(e) For an award of PMMC's costs of this action; and

(f) For such other and further relief to which PMMC may be entitled in law and equity.

JURY DEMAND

Plaintiff PMMC demands trial by jury.

Respectfully submitted,

Thomas J. Scott, Jr.

Thomas J. Scott, Jr.
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Dated: March 9, 1995

Attorneys for Plaintiff
Personalized Mass Media Corp.

*3-9-95 Summons with 15 copies
issued; May 9, 1995; delivered
to counsel's connection*